

CLOSED

DATE: 5/23/08 CASE NUMBER: 08-15786M-SD

USA vs. Adolfo Eufracio-Garcia

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Juan Rocha (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 5/21/08 ☒ Initial Appearance ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
Set for:
Before:
☒ Defendant ordered temporarily detained in the
custody of the United States Marshal
☐ Defendant ordered released _____
☐ Defendant continued detained pending trial
☐ Flight risk ☐ Danger

IDENTITY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Warrant of removal issued.

PRELIMINARY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Probable cause found ☐ Dismissed
☐ Held to answer before District Court

STATUS HEARING: re: Waiver of Venue

☐ Held ☐ Con't ☐ Reset
Set for: 5/28/08 at 2:30 pm
Before: Magistrate Judge Irwin

Other: Defendant declines to sign waiver of venue. Government moves for a continuance. Defense requests that Government justify their motion. Government explains reason for motion. Court grants motion and sets status hearing.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Adolfo EUFRACIO-Garcia

Citizen of Mexico

YOB: 1953

075753367

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15786M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about February 27, 2007, Defendant Adolfo EUFRACIO-Garcia was arrested and removed from the United States to Mexico through the port of Los Angeles, California, in pursuance of law, and thereafter on or about May 21, 2008, Defendant was found in the United States near Blythe, California within the Central District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about May 20, 2008, within the Southern District of California, Defendant Adolfo EUFRACIO-Garcia, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

May 23, 2008

Date

at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

Carlos Diaz

Senior Patrol Agent

STATEMENT OF FACTUAL BASIS

Defendant: Adolfo EUFRACIO-Garcia

Dependents: 2 USC

IMMIGRATION HISTORY: The Defendant was last removed through Los Angeles, California on February 27, 2007.

CRIMINAL HISTORY:

DATE/LOCATION

OFFENSE

DISPOSITION

None Found

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Blythe, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Calexico, California on May 20, 2008.

Charges: 8 USC§1326
8 USC§1325

(Felony)
(Misdemeanor)

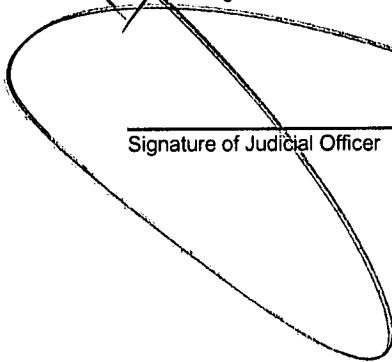
Sworn to before me and subscribed in my presence,

May 23, 2008

Date



Signature of Complainant



Signature of Judicial Officer